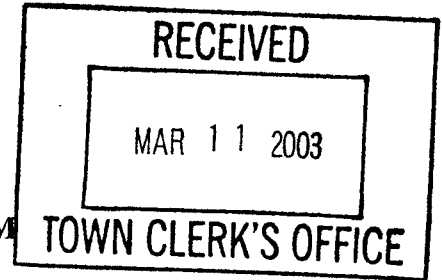


Town of New Windsor

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OFFICE OF THE PLANNING BOARD

WEDNESDAY — MARCH 12, 2003 - 7:30 PM
TENTATIVE AGENDA



CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: JANUARY 22, 2003

ANNUAL MOBILE HOME PARK REVIEW:

- a. MT. AIRY PARK – MT. AIRY ROAD

REGULAR ITEMS:

1. **FIRST COLUMBIA SUBDIVISION (02-200) STEWART AIRPORT PROPERTY (BETTE)** Submittal of DEIS
2. **MINUTEMAN RESTAURANT SUPPLY & RENTALS (03-04) TEMPLE HILL ROAD (GUALTIERE)** Proposed new construction – 4 stores for rentals on vacant property.
3. **PENNINGS SUBDIVISION (VANLEEUEWEN) (03-05) DUTCHMAN DRIVE (PFAU)** Proposed 4-lot residential subdivision.

CORRESPONDENCE

4. **MARGHERITA'S HAIR ZONE** – Letter requesting permission to continue work on proposed site.

DISCUSSION

ADJOURNMENT

(NEXT MEETING – MARCH 26, 2003)

March 12, 2003

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TOWN OF NEW WINDSOR

PLANNING BOARD

MARCH 12, 2003

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
JIM BRESNAN
RON LANDER
JERRY ARGENIO
THOMAS KARNAVEZOS

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ALTERNATES: ERIC MASON
NEIL SCHLESINGER

REGULAR MEETING

MR. PETRO: I'd like to call the March 12, 2003 meeting of the Town of New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. PETRO: To all the actors in Hollywood I would say keep their mouth shut. Put that in the minutes.

Also with us tonight, something new that was enacted last week, we have alternates to the planning board which are Eric Mason and Neil Schlesinger,

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they're going to sit in on every meeting, if someone is not present, they would be called upon to fill that seat and they have voting privileges.

APPROVAL OF MINUTES DATED JANUARY 22, 2003

MR. PETRO: Okay, approval of the minutes dated January 22, 2003, everyone had a chance to read those minutes? If so, I'll accept a motion to approve them as written.

MR. LANDER: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes as written. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

ANNUAL MOBILE HOME PARK REVIEW:

MT. AIRY PARK

MR. PETRO: Someone here to represent this? Come forward please. Mike, has someone from your department been to the site? Do you have any comments?

MR. BABCOCK: Yes, we have, Mr. Chairman, everything there is fine.

MR. PETRO: Check for \$435 made out to the Town of New Windsor. Do any of the members have any comments? Everything seems to be in order here. If not, I'll take a motion for a one year extension.

MR. LANDER: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Mt. Airy mobile home park. This is now Windmere Estates, it's a new name. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

REGULAR ITEMS:

FIRST COLUMBIA SUBDIVISION (02-200)

MR. PETRO: This is a submittal of the DEIS.

MR. EDSALL: Mr. Chairman, they're on tonight just for a procedural item. I advised them there was not much that would happen so I suggested they need not attend for this meeting. On February 25, you accepted the scope for the DEIS and directed that they proceed in preparation of the document. They have submitted it tonight. At best tonight, you can acknowledge that you have received it. I would request as I note in my comments that the board review it for completeness, if possible, get comments back to us, to Myra next Wednesday. I have a meeting scheduled with Stu Turner, we're going to be reviewing it in detail and what we're hoping to do is have a list of any items that may not be included or in reverse case advise you that it's complete at the next meeting. At this point, you're not commenting if you agree or disagree with any conclusions. That detailed review happens following public review and public hearing. Right now, all you're saying is yes are no, it's complete, it's got all the information asked for in the scope and yes or no, you think it's adequate for public review. If there's something blatantly wrong and grossly inaccurate, it's not a bad time to say it now. But generally, you're just saying it's complete or not so that's where we stand. I suggest everyone take a copy home for easy reading and we'll hope to hear from you by next Wednesday via Myra.

MR. PETRO: March 26 will be the next planning board meeting, I think we can have the public review and we can move on at that meeting. That will give us a full two weeks to digest it and look at it including you and Mr. Turner is what you're saying, correct?

MR. EDSALL: Correct.

MR. PETRO: Anybody have any objection as to that?

MR. LANDER: No.

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MR. PETRO: Okay.

MR. LANDER: Motion for that?

MR. PETRO: No, there's no motion, I don't think so.

MINUTEMAN RESTAURANT SUPPLY & RENTALS (03-04)

Mr. Clarence Gualtiere appeared before the board for this proposal

MR. PETRO: This application proposes construction of 9,491, square feet of new retail building adjoining existing restaurant. The plan was reviewed on a concept basis only. This is in a C zone. The existing restaurant and catering uses are A-18 of the zone. The proposed retail use is use A-1 of the zone. The required bulk information is correct. Mark, you're telling us it's a permitted use in the zone? The lots will be combined as far as the application so the bulk table should reflect the total as lot combined, going to just remove the lot line?

MR. EDSALL: The one building overlaps the lot line so since they're--

MR. GUALTIERE: Just going to make it one property.

MR. PETRO: How are you going to do that, by deed?

MR. EDSALL: At the end of the application, they'll have to re-file a single description deed and Andy will check that it's been filed.

MR. PETRO: So we're going to review it as one large parcel?

MR. EDSALL: That's right.

MR. GUALTIERE: Basically, we're going to put in a restaurant supply store to the right of the restaurant and I have three other rentals attached to that.

MR. PETRO: This building is attached to your existing building?

MR. GUALTIERE: No, it's not, it's, I don't know exactly what the footage is away from it.

MR. LANDER: It's 21 feet, Mr. Chairman, I think it's 21 feet.

MR. EDSALL: Eleven feet.

MR. PETRO: Fire inspector's seen that at 11 feet?

MR. BABCOCK: Yes, it's based on construction type, Mr. Chairman.

MR. PETRO: We have approval here, fire approval. This is the first time we're seeing this, just give us a couple minutes, this building will be sprinklered, Mike?

MR. BABCOCK: Yes.

MR. PETRO: Okay, go ahead, I interrupted your presentation.

MR. GUALTIERE: So we're basically using the entrance, the existing entrance there and going in to the right there, there will be no more parking in front of the Minuteman so we'll come in bearing to the right, parking all in front of the new stores and there will be an exit and more parking in the rear of the buildings so we needed I think 67 spots and back out again.

MR. LANDER: Cleo, what's the dumpster going to be made out of in the back?

MR. GUALTIERE: That will be concrete block and a sliding door.

MR. LANDER: I assume that the new building's going to reflect the existing structure that's there or are we going to change or what's your plan on that?

MR. GUALTIERE: On the structure? What do you mean?

MR. LANDER: On the building itself.

MR. GUALTIERE: The building itself is going to be stucco and stone, I have a picture I think with me if you want to see that.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Pennings subdivision on Dutchman Drive. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. LANDER: Proposed bridge culvert here on three of the driveways, you need a permit to cross that stream?

MR. VAN LEEUWEN: No, it's a ditch, that's all it is.

MR. ARGENIO: Mark, help me understand this comment 8, the easement for the storm water is for the town water that's coming from Dutchman Drive finding its way under Mr. VanLeeuwen's proposed road and being discharged into that swale?

MR. EDSALL: Yes.

MR. ARGENIO: Coming from Dutchman Drive.

MR. EDSALL: Yes, basically going from a town piping system to a private but the Town doesn't want to have maintenance responsibilities for the private drainage.

MR. ARGENIO: Understood.

MR. VAN LEEUWEN: It goes partially underneath the road to one catch basin and another and again goes out.

MR. PETRO: You sized all the piping? I don't see it on here.

MR. LANDER: Probably on another sheet, yeah.

MR. VAN LEEUWEN: It might be all 12 inches.

MR. PETRO: Did you check that Mark?

MR. EDSALL: We'll be checking everything.

MR. PETRO: Public hearing?

MR. LANDER: Yeah, we need a public hearing for this.

MR. PETRO: It's four brand new lots, right?

MR. VAN LEEUWEN: Well, it's an existing lot split up into four lots, correct.

MR. PETRO: It's better to have it Henry and be done with it. Motion to have a public hearing.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board have a public hearing for the Pennings subdivision (VanLeeuwen) on Dutchman Drive 4 lot subdivision. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Clean up and we'll schedule you for a public hearing.

MR. VAN LEEUWEN: Can you do it for the next meeting?

MR. PETRO: If it's not, it will be the next one, whenever she can get it altogether, the list is the holdup.

MR. VAN LEEUWEN: Okay, thank you.

CORRESPONDENCE

MARGHERITA'S HAIR ZONE

Mr. Al Prokosch appeared before the board for this discussion.

MR. PETRO: Letter requesting permission to do the work on proposed site. I would like to request planning board session for March 12, 2003. This will be--does everybody have this in front of them? Reference to the Hair Zone project, 293 Windsor Highway. I will be asking for a working permit on said project to start renovation of existing structure, demolition and construction of new porch and parking lot grading. Drawings were updated and sent to DOT and I'm waiting for the public hearing. All work pertaining to DOT approval will not start until permits from DOT are obtained. Al Prokosch. Where is this?

MR. BABCOCK: Right next to Mr. Transmission.

MR. LANDER: Right across from the Carpet Mill Outlet. Mr. Prokosch is here.

MR. PETRO: You want to start building?

MR. PROKOSCH: Yeah, I want to start the renovation on the building, I've got to get her in by May 15 or the lease runs out.

MR. PETRO: Why are the site plans not signed?

MR. EDSALL: They're waiting for DOT, all the revisions that we've asked for are either accomplished or there's pending some minor adjustments.

MR. LANDER: We need a public hearing for the special permit for the caretaker's apartment.

MR. EDSALL: The use by right which is what they're looking to begin the renovations on is really the hairdressers.

MR. LANDER: Mr. Prokosch has done all the demolition

on the inside, now that he's made application now he wants to do work on the outside of the building so that at the time he gets DOT approval, he can start that, the interior work will already be done.

MR. PETRO: He's still coming back for the special use permit.

MR. ARGENIO: How is the work inside the building ours?

MR. PETRO: Because it's under review.

MR. ARGENIO: Because the application is in place?

MR. LANDER: Right.

MR. PETRO: What triggered the mandatory public hearing?

MR. LANDER: Special permit for the caretaker's apartment.

MR. PETRO: Mike, your department's going to handle remodeling permit?

MR. BABCOCK: Well, yeah, if you gentlemen have no problem with it.

MR. PETRO: For the interior only, is that what it is?

MR. BABCOCK: Yes.

MR. PETRO: I don't have a problem. Does anybody have a problem?

MR. LANDER: I don't have a problem.

MR. KARNAVEZOS: I don't have a problem. The only thing in here he's saying that he wants to do the new front porch, is that still considered within the building?

MR. EDSALL: Well, I mean, isn't that an existing porch and he wants to rebuild it?

MR. PROKOSCH: Yes, take it off and put the new open porch on.

MR. KARNAVEZOS: When Mr. Prokosch was in the last time he does have a curb cut.

MR. EDSALL: He does, he's looking to improve it so effectively if he wasn't asking for the special use permit and he wasn't improving the site, he wouldn't have to go to DOT and would probably be done now.

MR. PETRO: So you'll take care of it?

MR. BABCOCK: Yes.

MR. PROKOSCH: Thank you.

MR. LANDER: What about the public hearing?

MS. MASON: We're working on that.

MR. LANDER: Okay.

MR. EDSALL: Everything has been prepared for DOT and shipped out so it's just a time game now but he's moving forward effectively on the use by right.

MR. PROKOSCH: Right.

MR. PETRO: Okay, thank you.

DISCUSSION

BEATTIE ROAD ASSOCIATES

Robert DiNardo, Esq. appeared before the board for this proposal.

MR. PETRO: You want to talk about a subdivision?

MR. DINARDO: If we can, yes.

MR. PETRO: Do we have, we do not have a proxy for you to represent the owners of the property, therefore, you know what I'm going to say, obviously, you cannot represent the owners of the property at an open meeting with the New Windsor Planning Board because legally, you don't have a right to represent them.

MR. DINARDO: Mr. Chairman, I today received a letter from the attorney for the owners, the Mulligans, I gave Myra and your attorney and engineer a copy, just got it this afternoon by fax reinstating the proxy that had been given originally and then had been withdrawn and now has been reinstated, just delivered that today.

MR. PETRO: I don't doubt what you're saying, I have to go with what the planning board secretary says and she says she does not have it. I suggest that you get it straightened out and once that's straightened out--

MR. DINARDO: I was referring to what I handed you tonight, I thought I gave you a copy of it.

MS. MASON: I have nothing.

MR. EDSALL: I got one copy, it's dated tomorrow so it really hasn't happened yet.

MR. DINARDO: I apologize, I thought I gave it to you.

MR. KRIEGER: I have one.

MR. DINARDO: You were busy, I guess I missed you.

MR. PETRO: Let's get it done properly and we'll hear

you at the next meeting.

MR. DINARDO: On the 26th?

MR. PETRO: If you're prepared and you have plans and the application's a hundred percent correct.

MR. BABCOCK: Well, Jim, this will be a public hearing, that's got to be notified and got to be advertised in the paper, we're not going to set a date tonight when everything's done, the 26th is not the date.

MR. PETRO: No, we can't guarantee you a date. When you're prepared and we're prepared, you'll be on that agenda, whatever that agenda is. I can't give you a date.

MR. DINARDO: I appreciate that and I confess I'm filling in for someone else, there's a little confusion on our part, just if you can and I guess Myra can or hope you all can, what's the present status? There's been some confusion as to whether or not this application has any approvals to date. Has a public hearing ever been held?

MR. EDSALL: No.

MR. DINARDO: So we're--

MR. BABCOCK: It's been advertised that it's been held but it has not been held.

MR. DINARDO: We're at the public hearing for preliminary stage?

MR. EDSALL: Right.

MR. DINARDO: And can we be on the agenda for discussion on the 26th or do you need maps and if so, by when?

MR. EDSALL: The authorization has already been given for the public hearing, just a matter when it's ready it will be on.

MR. DINARDO: Just a matter of scheduling it, we'll coordinate with Myra?

MR. DINARDO: Yes.

MR. PETRO: Before you go, I've got to ask you something, are you people out here the owners of the property, anybody here?

MS. MULLIGAN: My name is Carolyn Mulligan, Catherine Mulligan who is the owner is my mother-in-law and as of yesterday, I know she had not given back the proxy, I really am not aware of anything that has taken place.

MR. BABCOCK: That's the problem, Jim, you know what I mean?

MR. PETRO: So I would suggest that you straighten it out first and then we'll move forward with the town, it's too confusing. Thank you.

MR. LANDER: Should I ask who scheduled the public hearing?

MR. MIELE: Mike Miele. I sent out the first announcement based on client's intention that everything would be resolved in time to get the plans and have everything arranged which didn't happen and which I apologize for.

MR. LANDER: I just wondered now how it got scheduled.

MR. EDSALL: You have to coordinate the dates with Myra, the applicant doesn't have the right to just set a date and send out notices.

MR. KRIEGER: I would say before we leave with respect to the proxy, now I have, I see this letter here and I hear something different from somebody purporting to be Catherine Mulligan's daughter-in-law, without a document signed by Catherine Mulligan herself which would clear this up, I don't see how this thing can be resolved.

MR. PETRO: I think she said she was unsure.

MR. KRIEGER: If she's unsure, I'm unsure. The only way to resolve to be sure is to adhere to the proxy procedure that we originally had and have a proxy signed by her. The statute doesn't talk about proxies, our statute talks about agents. If an agent is a person who's designated by the owner to be their agent and we have come up with this and correctly so that a proxy procedure in order to prove agency there's now been a considerable cloud put on it, all the back and forth here and yes and no and I'm not sure and there's only one clear way to establish agency and that is to file a proxy.

MR. DINARDO: We have no problem with that. I think that's a good idea, we'll tend to it.

MR. MINER: I've got a question. I'm Robert Miner, I own the apple farm east of this project. This is the second notice I've gotten and nothing's happened. What's going on?

MR. PETRO: Well, you just heard it.

MR. MINER: I got something from the planning board here, how come you're sending them out and it's not going to happen? How come you don't know what's going to happen?

MR. LANDER: Can we see that?

MR. MINER: This is the second one I've gotten from this outfit.

MR. PETRO: The applicant sent it out, we never authorized it to be sent out.

MR. MINER: How come it's kind of on your paper or whatever?

MR. EDSALL: Myra, is that form in the application package?

MS. MASON: Yes.

MR. EDSALL: We should take it out.

MS. MASON: Actually, I think I have now, there's been a lot of changes made to the application.

MR. MINER: I came down and wanted to look at the map the last time and I didn't look at it then, I got this one about two days ago, I never did get back to look at the map, but I came down tonight and I mean--

MR. PETRO: Well, it's in the form, that's why. Are you across from the soccer field?

MR. MINER: Yes.

MR. PETRO: We apologize that you came for no reason. What happened is it's part of the package.

MR. MINER: How will I know when it gets sent from you?

MS. MASON: Unfortunately, it will look just like that, just that we verified that they were mailed, it's verified by us.

MR. KRIEGER: My suggestion is call the secretary and verify.

MR. MINER: But the thing that led me astray was Mahwah New Jersey, that's not here.

MR. DINARDO: We don't have your envelopes. That would help, I assume.

MR. ARGENIO: I think the attorney's right, Mr. Miner, next time in lieu of the confusion that's here when you get the notice next time just call Myra the secretary of the planning board just to confirm so you don't make a trip. I'd be annoyed if I made a trip as well and nothing happened.

MR. BABCOCK: And I think we're all on board tonight that this will take place when the time is ready and Myra will witness it and be sent out. The next one that you get should be the official one.

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MR. MINER: Thank you.

MR. EDSALL: No more false starts.

MR. ARGENIO: Sorry for the confusion.

DISCUSSION

MR. PETRO: Any other discussion items?

MR. LANDER: A subdivision that has preliminary approval, is that grandfathered in under the new zoning or not preliminary not final preliminary?

MR. EDSALL: If it's an active application, we have been told to have it hold its status and it's grandfathered with preliminary, it would continue.

MR. LANDER: Because preliminary expires when? Never?

MR. EDSALL: Well, yeah, depends on who you ask but the bottom line is if there's something being pursued and actively being pursued such as the Moores Hill subdivision, we knew they were held up by State Historic Preservation, it still stays active. We've got one that's from 1990 from the McDonald's subdivision which was held up because of some, the road location for Dean Hill Road, that's coming back now and that had a legitimate reason why it was delayed.

MR. PETRO: We've used October 3, 2001 and three years from that date you had that was your window to act on any building lot that you had sitting there from your grandmother that was substandard down in Ducktoun.

MR. LANDER: Because of the sewer moratorium.

MR. ARGENIO: Water.

MR. LANDER: No, we had sewer before that and I think we still have that, no?

MR. EDSALL: Still there.

MR. LANDER: Unless you buy points from Majestic Weaving, you don't go in, so suppose this guy has preliminary and he can't come up with the sewer points because he can't come to an agreement with whatever?

MR. BABCOCK: Can't build.

MR. LANDER: Well, I realize that but is he still grandfathered in?

MR. BABCOCK: I think the law reads that it has to be determined by the planning board if it's been an active application so they would support what they feel is active and you gentlemen would make a determination saying this is not an active application anymore, it's over.

MR. PETRO: Very important to keep in mind everybody here that this idea and this plan for these increased lot sizes and everything was not necessarily to stop what was coming or already here, it was for future, in other words, for the next 10,000 applicants that come in, we're trying to curtail it a little bit. We're not trying to hurt or stop somebody that's already before the board or they had something from their grandmother or something like that, that was not the intent of the Town Board or anybody who signed that law.

MR. EDSALL: Ron, also we're going to have to look at the fact on how long it goes if they have an opportunity to move the application forward to do like everybody else is doing which is purchase the sewer capacity and that he knowingly decided not to purchase it and wait it out, then I don't believe that you would be--

MR. ARGENIO: How do you draw that line?

MR. EDSALL: This board is going to draw the line and we haven't run across that yet. In the future, you have to decide, it will probably be a precedent being set if someone doesn't avail themselves of that opportunity, they might be giving up their rights for the grandfathering.

MR. PETRO: We can look at it case by case, I don't think we'll be easily fooled. You can tell if somebody's not performing or something's available.

MR. LANDER: I was asked this question by somebody who does have preliminary and I said I will throw this out here and because I don't know the true answer whether

it's preliminary, whether--

MR. PETRO: Active application.

MR. LANDER: Yeah, we've had active applications for 10 years, 12 years.

MR. EDSALL: Generally, the way we have been trying to determine what's active is that you're moving forward positively and I think if someone has the opportunity to get a DEC approval by doing what everybody else is doing by purchasing the capacity and you decide no, I'm just going to wait it out, you know, that might be a conscious decision not to want to hold your preliminary.

MR. PETRO: Anything else? Motion to adjourn?

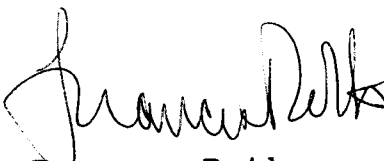
MR. KARNAVEZOS: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Respectfully Submitted By:


Frances Roth
Stenographer

MR. PETRO: Cleo, did you get a copy of Mark's comments cause they're pretty extensive and I'll be honest with you, I don't want to go over every one of these tonight there's so many of them.

MR. EDSALL: I don't think the number of comments is really a reflection on the fact that we're not in fairly good shape with the plans cause what I tried to do is go over it as detailed as I could so they can have a checklist to finish up, there's been a lot of things resolved at the workshop. I think the plan has come a long way since the initial one we looked at. So I would think that if we can get these issues resolved and there's none that are too difficult, the plan would be I think in final form.

MR. PETRO: You know what we can do not to hold you up also is we'll schedule a public hearing and in the meantime, you can correct a lot of these issues that Mark has on this here, you can have the engineer clean them all up. The south side of the site is the existing use, the plan includes the parking lot plan, the plan is either out of scale or the parking spaces are non-conforming since spaces with the widths between 6 and 9 feet are shown with many being 8 feet in width. As requested in the workshop, an accurate depiction of the existing conditions should be made and if problems exist, they should be resolved as part of the site plan. That's an example. So as you go down the list, you can see what needs to be done.

MR. EDSALL: Maybe there's a couple that the board can resolve now. 2C needs some input from the board.

MR. PETRO: A basic issue which I believe the board should evaluate is that of overall access to the site. The plan proposes a single two-way access curb cut at the south end of the site. Is that the one that's existing now? Does the board agree that this is adequate? How many spots do we have on the site proposed?

MR. EDSALL: 58 new, Jim, and 64 or 66 existing parking spaces. So you've got 120, 130 parking spaces in there.

MR. LANDER: So you're looking for another access to this site. Is the state going to give them one?

MR. EDSALL: I don't know. The bottom line is we've had difficulties with the state saying they don't want too many but on the other hand, I wanted to point out that we're accessing off the one same location.

MR. PETRO: He can certainly get one now before he combines the two lots. They would basically have to give him one for the second lot so we can get around that if need be. But let's think about if it's necessary or not because if you do, you're going to lose spots. How many spots are required? How many are you providing?

MR. GUALTIERE: On the plan he's got here 67.

MR. PETRO: Required?

MR. GUALTIERE: Yes.

MR. PETRO: That's for the new addition?

MR. GUALTIERE: New addition.

MR. PETRO: How many provided?

MR. GUALTIERE: Well, if you count the 67 plus what I have.

MR. PETRO: No, not what you have, only for the new building.

MR. GUALTIERE: 67.

MR. PETRO: You're providing 67 and required is 67 so if you put another curb cut, you're going to lose five or six spots and you're going to trigger zoning board.

MR. EDSALL: Jim, actually, the parking calculation is one of my comments. They've got two different numbers, one on the plan, one in the calculation. If you the number on the plan, they only need 64 spaces, so

they've got leeway. I'm not saying we should lose spaces. What I am suggesting if you think the circulation is fine and single access is okay, so be it, but I want a conscious decision, I don't want it to sneak through.

MR. LANDER: All these cars trying to get out this one access we're going to need something down the other end to the northwest would be the most logical place to have it, that's if the state will give it to him. But like Jim pointed out, it's a separate lot right now, they have to give him access and it makes sense to have the extra access, just one is no good.

MR. PETRO: Did you not want the second one for a reason?

MR. GUALTIERE: One of the reasons that I was told that if I had another entrance exit they couldn't go out, they would only be able to go out and make a right-hand turn into the Five Corners mess and only make a left, then we have across the street, I can't think of that road now across the street from that piece there by the railroad tracks.

MR. BABCOCK: Old Temple Hill Road.

MR. GUALTIERE: You know, there's always problems right there. So if that other entrance was up on that end, it would create, you know, I think thought it would create more of a mess.

MR. LANDER: Well, it's is not that all the traffic is going to come out the proposed one, some of the people will go out that way, I think it's a good idea to look at that.

MR. PETRO: Any other members have any comment on that?

MR. KARNAVEZOS: The only comment I have is right in where the two cars start to come in between the existing building and the proposed building, you've only got about 25 feet and like Ron, Mr. Lander said people coming into that one entrance and cars starting to get blocked up, you're going to have a problem with

people trying to actually get into the driveway.

MR. PETRO: Mark, what comments, did you give this any further thought? Did you come up with anything?

MR. EDSALL: On the access?

MR. PETRO: Yeah.

MR. EDSALL: I tend to agree with Tom that you'd, I think if you have a large volume of people trying to get out that single access, you could very easily obstruct it so that anybody who's trying to pull in is going to stage out into the road. Now it's mainly because it's a very shallow curb cut, there's not really like it's a lane where you can have cuing, it's just the width of a curb island, so it's very easy to block that entrance.

MR. KARNAVEZOS: People are going to start to come in like at a 45 and the next person trying to come in from the right is going to be very difficult for him to get in. And the other thing I was noticing too is where the parking spaces are at the angle that they come in is there enough depth right there? What is it, 19 feet in depth of the parking, single parking spot?

MR. BABCOCK: You're talking about the existing parking now?

MR. KARNAVEZOS: No, the proposed parking, what's the depth of the parking spot, 19 feet?

MR. BABCOCK: Yes.

MR. EDSALL: To be honest with you, I think if there's anyplace that makes sense to have another access would be at space 26 on the new site plan and have an access there because you can pull in and access any one of the four retail stores without even going near the restaurant, again an additional access.

MR. PETRO: Yes, additional access.

MR. LANDER: Right turn only, I don't think they're

restricted to right turn only there.

MR. EDSALL: If they do, it gives you another option.

MR. LANDER: Your sight distance isn't that bad, what is it, 45 miles an hour through there?

MR. EDSALL: I think it's down to 40 or 45.

MR. PETRO: I think the site is busy enough, you have enough on it, that's for sure that it should look at another access point. Another thing is if you have a party or catering function that's letting out at a certain time and you have a different business in one of the two stores, I'm going to be cut off for a little while if I want to go in and get a haircut or something else, you're going to have a line.

MR. GUALTIERE: We'll look into it definitely, I mean.

MR. EDSALL: I think it will help the site, to be honest with you.

MR. PETRO: If you have room to lose a few spots and if you're going to reconfigure a few of the spots to get the right calculations, and keep in mind if you don't have enough spots on the new portion being you're going to combine the two lots, you can add some spaces to your existing parking. Normally, you can't do that if it's on a separate lot but being you're moving that line you can. But I'm just trying to keep you away from the zoning board for a couple spots.

MR. GUALTIERE: We'll do that, no problem.

MR. PETRO: I agree with Mr. Lander and Tom, I think that you really need to get another access point to that site. There's a lot going on there, I think it's a good idea and good planning.

MR. PETRO: The board should determine if there are any other involved agencies, which would be New York State DOT. I think lead agency coordination letter. Mark?

MR. EDSALL: I'll ship that right out.

MR. PETRO: Everybody in favor? We'll authorize that now.

MR. KARNAVEZOS: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Board should determine for the record if a public hearing would be required. I would say yes at this point, I'm not going to poll the board because this is a very large, you know, application. It's essentially in Vails Gate, let's have a public hearing, get it out. The grading plan does not appear to indicate any proposed grading and is it necessary I think Mark if you can get the drainage to work on the site, I think that's as far as I think we need to look. I don't think we need a grading plan if the drainage is going to work, you're satisfied with it, I think I'd go with that.

MR. EDSALL: Get some point elevations so we know which way you're going to run everything.

MR. PETRO: Basically, it's a blacktopped piece of property. The landscaping I don't know what you have. Do you have a landscaping plan? I don't think you do.

MR. GUALTIERE: Yes proposed planting and grading plan.

MR. PETRO: Let's see how extensive it is. As long as you have something, Mark, look it over.

MR. EDSALL: It looked like a good job, I just wanted you to look at it.

MR. PETRO: You have on 1/3 of the property a railroad,

parking on the other side and Route 300 in the front so there's not a lot that he can do, but looks like he did a pretty good job.

MR. LANDER: Let's not plant any trees like the state did up by Five Corners so you can't see getting out, you can't walk on the sidewalks because of the limbs. Unbelievable.

MR. GUALTIERE: Yup, they need a chain saw up there.

MR. LANDER: Yeah, that's right.

MR. PETRO: Lighting plan work out with Mark, he's got five or six bullets on the lighting, if you can take care of those, I don't think the board would have a problem with any of them. Okay, clean it up. Motion to have a public hearing.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board--what we're going to do being the lead agency coordination letter is going out, we're going to have to schedule the public hearing 30 days after the letter is sent, obviously, we can't have a public hearing if we haven't heard back but we'll authorize it now.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board have a public hearing for the Minuteman Restaurant supply and rental site plan. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE

March 12, 2003

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MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

PENNINGS SUBDIVISION (VAN LEEUWEN) (03-05)

Mr. Henry Van Leeuwen and Ms. Barbara Berger appeared before the board for this proposal.

MR. PETRO: Application proposes resubdivision of the 13.9 acre parcel into four single family residential lots. This plan is reviewed on a concept basis only. R-1 zone. Permitted use by law. Henry, what do they mean resubdivision? What are you doing?

MR. VAN LEEUWEN: What I'm doing basically the last piece which was the 13.4 something acres at the end of this whole subdivision.

MR. PETRO: Did you have to wait three years for the private road to expire?

MR. VAN LEEUWEN: Yes, March 1st.

MR. PETRO: So that's expired obviously or you wouldn't be here?

MR. VAN LEEUWEN: Absolutely.

MS. BERGER: The previous mapping was filed on March 1. I'm Barbara Berger from Pietrzak & Pfau.

MR. PETRO: Lot width should be 175 foot minimum on lots with 50% on cul-de-sac, 125 feet, side yard requirements are 40/80' minimums, development coverage as 20 percent. Why do you have them down, you need them in the bulk table corrected?

MR. EDSALL: Yeah, what happened I don't think the bulk table was updated with the latest round of zoning amendments from last year.

MR. PETRO: Just bookkeeping and straightening up that table, correct?

MR. EDSALL: Yes.

MR. VAN LEEUWEN: The road is in, it's going to be a private road, I had the contractor work on it, the

blacktop is in for the road, the catch basins are in, the curbing is in.

MR. LANDER: So what do you have there, a homeowner's association?

MR. VAN LEEUWEN: Yes.

MR. LANDER: You also have private road maintenance agreement?

MR. VAN LEEUWEN: Yes, that's got to be reviewed by Andy, right?

MR. KRIEGER: Yes, I see from the notes there's something in there about an easement for the benefit of storm water discharge coordinated with the engineer, highway superintendent and town attorney, I would suggest therefore since that modification has to be in the private road maintenance agreement that when you prepare it, please send a copy to Mark to look at.

MR. VAN LEEUWEN: I'll get one to him.

MR. PETRO: On lot 4, why is the expansion area so far away from the home? Is there a wetlands on that lot?

MR. VAN LEEUWEN: Not wetlands, but the perc is a little risky, if I go down deep enough, I can get perc but I don't want to go down that deep.

MR. PETRO: I see you have a forced main which Jerry pointed out, is that the only house with a forced main?

MR. VAN LEEUWEN: They're all, all of them are forced. Up here, I have excellent perc and down here, it's a little sketchy.

MR. ARGENIO: Generally, they design septic systems below the house generally.

MR. VAN LEEUWEN: Generally they do that but we couldn't do that in this case.

MR. PETRO: You have proper separation on the wells and

all the fields?

MR. VAN LEEUWEN: Yes, they're all over two acres.

MR. PETRO: The forced main paths I don't think if this is a planning board issue or not I would draw them because I don't know when you send someone in the field without the right angles and use 45s, I don't know if somebody takes this map actually builds what you have drawn on here, I don't think it's a good idea to have a right angle on a forced main.

MR. VAN LEEUWEN: I'll straighten that out.

MR. PETRO: Mike, do you agree or disagree with that?

MR. BABCOCK: Yes.

MR. PETRO: I'm sure the plumber may know or somebody else may know, but somebody can take the plan.

MR. VAN LEEUWEN: Well, all lots are sold to Jerry Sabinski, he's going to put the system in, he knows what he's doing, I'll mention it to Jerry.

MR. PETRO: The cul-de-sac, do you have any problems with that?

MR. EDSALL: No, it's fine.

MR. VAN LEEUWEN: Mark's been out there and he's seen it, so has the highway superintendent, I've got a few small repairs to do at the entrance to the road, as soon as the weather breaks, I'll get that done.

MR. PETRO: How about sight distance on the radius on Dutchman Drive?

MR. VAN LEEUWEN: No problem, you've got plenty.

MR. PETRO: Can I have motion for lead agency?

MR. LANDER: So moved.

MR. ARGENIO: Second it.